IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 29925 of 1995

Between:

1.GALI VENKATESWARLU, S/O.CHINAKOTAIAH, AGED ABOUT 35 YEARS, MANAGING PARTNER AND MANAGER, SRINIVASA THEATRE, EAST GANGAVARAM VILLAGE, TALLURU MANDAL PRAKASAM DIST.
2.SMT. JASTI SAMRAJYAM W/O.JASTI KOTESWARA RAO,
MAIN PARTNER, SRINIVASA THEATRE, EAST GANGAVARAM VILLAGE, TALLURU MANDAL, PRAKASAM DIST.

..... PETITIONERS

AND

1.THE LABOUR COURT, REP., BY PRESIDING OFFICER,
GUNTUR, GUNTUR DISTRICT.
2.KAKANI SAMBASIVA RAO, EX. ASSISTANT OPERATOR,
SRINIVASA THEATRE, EAST GANGAVARAM VILLAGE,
TALLURU MANDAL, PRAKASAM DISTRICT & PRESENTLY RESIDENT OF PRATHIPADU, GUNTUR DIST.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to ISSUE A WRIT, OR ORDER OR DIRECTION MORE PARTICULARLY ONE IN THE NATURE OF WRIT OF CERTIORAI, CALLING FOR RECRODS RELATING TO I.D.NO.402/92 DT:4-3-1995 ON THE FILE OF LABOUR COURT, GUNTUR AND QUASH THE AWARD AS ILLEGAL, ARBITRARY AND AGAINST THE PRINCIPLES OF THE NATURAL JUSTICE.

Counsel for the Petitioner: MR.M.SREERAMULU REDDY

Counsel for the Respondent No.1: G.P.FOR LABOUR

Counsel for the Respondent No.2: MR.G.VIDYASAGAR

The Court made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.29925 OF 1995

ORAL ORDER:

Heard both sides.

2. Challenging the award, dated 04-03-1995, passed by the Labour Court, Guntur, in I.D.No.402 of 1992, in holding that the second respondent-workman was terminated without following the procedure contemplated under Section-25 (F) of the Industrial Disputes Act, 1947 (for brevity “the Act”), the present writ petition has been filed.

3. The petitioners are the owners of Cinema Theatre and the second respondent was working as Assistant Projector Operator in the said Theatre.

4.For the sake of convenience, the petitioners and the second

respondent will be referred to as “the management and the workman” respectively.

5. It is the contention of the workman that his services were terminated without any notice and that the salary for some months was also not paid. During the adjudication of the dispute, the management remained *ex parte* and no evidence was adduced on their behalf whereas the workman had adduced both oral and documentary evidence. On considering the same, the Labour Court passed the impugned award. Challenging the same, the management filed the present writ petition.

6. From the impugned award, it could be seen that the Labour Court has passed the same, directing reinstatement of the workman with continuity of service and with back wages, after taking into consideration the entire material available on record.

7. This Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India cannot reappraise the entire evidence on record unless an apparent illegality is made out.

8. I do not find any illegality or irregularity much less jurisdictional error in the impugned award, passed by the Labour Court.

9. The writ petition is devoid of merits and is liable to be dismissed.

10. In the result, the writ petition is dismissed. However, there shall be no order as to costs.

11. It is needless to say that it is always open for any

management to follow the principles laid down in Section-25 (F) of the Industrial Disputes Act, 1947, before effecting the services of any workman.

D.S.R.VARMA, J

04TH NOVEMBER 2004

KRK

To:

1.The Presiding Officer, Labour Court, Guntur, Guntur District.
2.Two CCs to the Government Pleader for Labour, High Court Buildings, Hyderabad (OUT).

3.Two CD copies.